

Juror's cell-phone surfing prompts mistrial

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A juror caused a mistrial in a recent Stevens County drug case after he used a cell phone to look up legal information.

Betty Torres will be retried after a judge granted her lawyer's mistrial motion last week because a juror accessed the Internet from his phone in the jury room to "answer some question about the charge," according to the Stevens County Prosecutor's Office.

Torres is accused of helping exchange heroin for pills manufactured to look like OxyContin pills.

The trial began Monday. Jurors were preparing to deliberate Tuesday afternoon when the court learned of the juror's Internet use, Rasmussen said.

"All the effort by the parties and the court and the jury was wasted, as well as the 30 or so persons who had been summoned and from which the jury was chosen," Rasmussen said.

Rasmussen wrote about this in his weekly column. Read the column below.

By Tim Rasmussen, Stevens County prosecutor

Last week was the trial of Betty Torres on a charge of Accomplice Delivery of a Substance in Lieu of Controlled Substance. This is an unusual charge which arose out of a drug transaction monitored by detectives. The substance was fake pills manufactured to look like real Oxycontin pills which were exchanged for heroin in the transaction. Fake pills are sometimes used to make sure narcotics are not distributed in the transaction.

The jury was seated on Monday and by Tuesday afternoon, had received all the evidence and was preparing to deliberate. Then it was brought to the attention of the court that earlier a juror had used a cell phone to access the internet in the jury room to answer some question about the charge. This is contrary to the court's instructions not to research or investigate. This rule is to prevent the introduction of information to the jury other than what is presented in the courtroom. This problem formed the basis for a mistrial motion by the defense which was granted and a new date was set for the retrial. All the effort by the parties and the court and the jury was wasted, as well as the 30 or so persons who had been summoned and from which the jury was chosen.